

# CIVILIAN USE OF FORCE

## **301.1 PURPOSE AND SCOPE**

This policy provides guidelines on the reasonable use of force by civilian employees. It is expected that civilian employees will use reasonable force only to protect themselves, to protect others or to maintain custody of prisoners that are entrusted to their care.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. This principle includes the civilian employees that routinely are placed in positions where they must manage human conflict and confrontation.

## **301.2 DEFINITIONS**

Definitions related to this policy include:

Application of TASER - Deployment of probes toward another individual or animal. Applying the weapon in Drive Stun mode toward another individual or animal.

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Force - The application of physical techniques or tactics, chemical agents or weapons to another person.

Intermediate control device - A tool or other device used to apply force to another person or animal. Examples include, but are not limited to: Taser, QC/Projector, Baton.

## **301.3 POLICY**

Civilian employees are involved on a daily basis in numerous and varied interactions and when warranted, may use reasonable force in protecting themselves (ARS 13-404) or others (ARS 13-406).

Civilian employees are also expected to use reasonable force when assigned to maintain custody of prisoners during transportation and processing (ARS 13-409, ARS 13-3896). It is expected they will do so in accordance with State Law and the training they are provided.

## **301.4 DUTY TO INTERCEDE**

Any civilian employee present and observing another employee using force that is clearly beyond that which is reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. A civilian employee who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

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#### **301.5 USE OF FORCE**

Civilian employees shall use only that force that reasonably appears necessary given the facts and circumstances perceived by the civilian employee at the time of the event to protect themselves, to protect others or to maintain custody/control of a prisoner entrusted to their care.

The reasonableness of force will be judged from the perspective of a civilian employee on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that civilian employees are often forced to make split-second decisions about the use of force that appears reasonable in a particular situation, and in threatening circumstances that are tense, uncertain and rapidly evolving. Civilian employees also do not receive the same training and equipment of a sworn police officer and cannot be held to the same standard as a sworn police officer.

Given that no policy can realistically predict every possible situation a civilian employee might encounter, they are entrusted to use well-reasoned discretion in determining the use of force in each incident.

While the ultimate objective of every encounter is to avoid or minimize injury, nothing in this policy requires a civilian employee be exposed to possible physical injury before applying reasonable force. Once the civilian employee has stopped the initial attack, it is expected that they remove themselves from the danger area and call for sworn police officers to respond.

#### **301.5.1 FACTORS USED TO DETERMINE THE REASONABLE USE OF FORCE**

When determining whether to apply force and evaluating whether a civilian employee has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

- Immediacy and severity of the threat to the civilian employee or others.
- The conduct of the individual being confronted, as reasonably perceived by the civilian employee at the time.
- Subject factors (age, size, relative strength, skill level, injuries sustained, the level of exhaustion or fatigue, the number of employees available vs. subjects).
- The effects of drugs or alcohol.
- Subject's mental state or capacity.
- The proximity of weapons or dangerous improvised devices.
- The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- The availability of other options and their possible effectiveness.
- Training and experience of the civilian employee.
- Potential for injury to the civilian employee, suspects and others.
- Whether the person appears to be resisting, attempting to escape custody by flight or is attacking the civilian employee.

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- The risk and reasonably foreseeable consequences of escape.
- The apparent need for immediate control of the subject or a prompt resolution of the situation.
- Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the civilian employee or others.
- Prior contacts with the subject or awareness of any propensity for violence.
- The ability the civilian employee or innocent third person has to remove themselves from jeopardy.
- Any other exigent circumstances.

### **301.6 DEADLY FORCE APPLICATIONS**

Use of deadly force is justified in the following circumstances:

- A civilian employee may use or threaten to use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury. This use of deadly force must be consistent with ARS 13-405.

### **301.7 REPORTING THE USE OF FORCE**

Any use of force by a member of this department shall be documented promptly, thoroughly and accurately in an appropriate report, depending on the nature of the incident. The event shall be reported to an on-duty sworn supervisor as well as the employee's direct supervisor, investigated by sworn police personnel and fully documented. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law. Refer to Blue Team reporting requirements in section 301.9.1.

### **301.8 MEDICAL CONSIDERATION**

In instances where force is applied by civilian personnel, sworn police personnel will be immediately summoned to the scene to investigate the incident and address any criminal conduct. Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained a visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the investigating officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another employee and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

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The on-scene police supervisor, or if not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, irrational, violent behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

#### **301.9 SUPERVISOR'S RESPONSIBILITY**

When a sworn supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- Obtain the basic facts from the involved civilian employee and investigating officer. Absent an allegation of misconduct or excessive force; this will be considered a routine contact in the normal course of duties.
- Ensure that any injured parties are examined and treated.
- When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/ her Miranda rights, the following shall apply:
  - The content of the interview should not be summarized or included in any related criminal charges.
  - The fact that a recorded interview was conducted should be documented in a property or other report.
  - The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- Identify any witnesses not already included in related reports.
- Review and approve all related reports.
- Determine if there is any indication that the subject may pursue civil litigation.

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- Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

If a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

#### **301.9.1 BLUE TEAM USE OF FORCE REPORT**

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident by the on-duty sworn supervisor. The civilian employee should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in Department policy, procedure or law.

Notification to the on-duty sworn supervisor and the employee's supervisor shall be made as soon as practicable following the application of force in any of the following circumstances:

- The application caused a visible injury.
- The application would lead a reasonable civilian employee to conclude that the individual may have experienced more than momentary discomfort.
- The individual subjected to the force complained of injury or continuing pain.
- The individual indicates an intent to pursue litigation.
- Any application of a TASER device (refer to Definitions in Section 300.2) or of an intermediate control device.
- Any application of a restraint device other than handcuffs, shackles or belly chains.
- The individual subjected to the force was rendered unconscious.
- An individual was struck or kicked.
- An individual alleges any of the above has occurred.

#### Blue Team SOP, PSU-1020A

#### **301.10 MANAGER'S RESPONSIBILITY**

The manager of a civilian employee shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

#### **301.11 TRAINING**

Civilian employees will receive annual in-service training on the agency's use of force policies and demonstrate their knowledge and understanding. In-service proficiency training conducted by certified weapons instructors shall occur biennially for all civilian employees with issued weapons. Initial training on any defensive/control devices, as well as use of force policies for civilian

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employees, shall be conducted by certified weapons instructors prior to issuance and authorization for use. Continuing training on the devices shall occur as directed by the Personnel and Training Section and consistent with manufacturer recommendations.

The following defensive/control devices are authorized for civilian employees depending on assignment. A copy of the lesson plan for each of the issued devices will be kept in the Personnel and Training Section. Requirements for carrying and using each device will be documented in the lesson plan.

- Baton
- QC spray
- QC projectors
- Taser
- Handcuffs/shackles